

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JAMES R. THOMPSON and  
CLIFFORD WEINER,**

**Plaintiffs,**

**v.**

**No. 12-cv-0276 MCA/SMV**

**DAPHNE GAMMON, MARTHA SCHUETZ,  
NANCY WALKER, JOHN DEWITT,  
CATHY DEWITT, and MARK F. REED,**

**Defendants,<sup>1</sup>**

**and**

**DAPHNE GAMMON, NANCY WALKER,  
and MARK F. REED,**

**Counterclaimants,**

**v.**

**JAMES R. THOMPSON and  
CLIFFORD WEINER,**

**Counterdefendants.**

**ORDER SETTING SETTLEMENT CONFERENCE**

THIS MATTER is before the Court pursuant to a telephonic status conference held on October 29, 2015. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **January 25, 2016, at 9:30 a.m.** in the **Piñón**

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<sup>1</sup> Defendants Mark F. Reed and Martha Schuetz have been dismissed as parties. *See* [Docs. 95 and 97].

**Courtroom and the Jury Assembly Room on the second floor of the Santiago E. Campos United States Courthouse at 106 South Federal Place in Santa Fe, New Mexico.**

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person. Counsel are encouraged to read “Keys to a Successful Mediation” by Judge James A. Hall prior to the settlement conference.<sup>2</sup> Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.<sup>3</sup> *See generally Hand v. Walnut Valley Sailing Club*, No. 11-3228, 2012 WL 1111137 (10th Cir. Apr. 2, 2012) (unpublished) (affirming dismissal of case as sanction for violating confidentiality of settlement conference). Counsel shall advise their clients regarding appropriate attire for appearance in federal court.

No later than **12:00 p.m. on January 15, 2016**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case and the names of the individuals who will be attending the conference and in what capacity. Position statements must be submitted to the Court by e-mail at VidmarChambers@nmcourt.fed.us.<sup>6</sup>

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall

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<sup>2</sup> For ease of reference, the Court has posted the article on its website, and the article may be accessed at <http://www.nmcourt.fed.us/web/DCDOCS/Judges/Files/HallMediationArticle.pdf>

<sup>3</sup> This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

<sup>6</sup> Each e-mail message and its attachments cannot exceed 5 MB. Data exceeding 5 MB should be submitted in individual e-mail messages, each less than 5 MB.

provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

The Court may contact counsel ex parte prior to the Settlement Conference to discuss the Settlement Conference.

**IT IS THEREFORE ORDERED** as follows:

**Parties' confidential position statements  
due to the Court:**

**January 15, 2016, at 12:00 p.m.**

**Settlement Conference:**

**January 25, 2016, at 9:30 a.m.**

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**